

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on March 9, 2001 at 3:45 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)
Sen. Don Ryan (D)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 42, 3/6/2001; HB 140,
3/6/2001; HB 160, 3/6/2001; HB
321, 3/6/2001
Executive Action: HB 321; HB 160; HB 265

HEARING ON HB 42

Sponsor: REP. GAY ANN MASOLO, HD 40, Townsend

Proponents: **Margaret Bowles, Self, Townsend**
 Erik Burke, Montana Education Association/Montana
 Federation of Teachers
 Bruce Dunkle, Office of Public Instruction
 Bob Vogel, Montana School Boards Association
 Jeff Hindoiien, Office of the Governor
 Madalyn Quinlan, Office of Public Instruction
 Loran Frazier, School Administrators of Montana
 Joyce Scott, Office of the Commissioner of Higher
 Education
 Mike Barrett, Self, Helena

Opponents: **Elaine Herman, Self, Helena**

Opening Statement by Sponsor:

REP. MASOLO informed the committee that HB 42 would recognize excellence in teaching by providing annual professional stipends to teachers who obtain certification from the National Board for Professional Teaching Standards. Each teacher would receive a stipend of \$3,000 annually for a period of ten years, after the teacher obtains the certification.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 2}

Proponents' Testimony:

Margaret Bowles, representing herself, shared her experiences working toward and obtaining certification from the National Board for Professional Teaching Standards. **Ms. Bowles** contended that national certification would improve student learning because accomplished teachers would impact student learning.

Erik Burke, representing Montana Education Association/Montana Federation of Teachers, rose in support of HB 42. **Mr. Burke** echoed that national certification would be an assessment process that would certify teachers that demonstrate exceptional ability in the classroom. He clarified that the bill was amended in the House Appropriations Committee. The original fiscal note included more money and was amended to require the state of Montana to seek grants to pay for the majority of the costs.

Bruce Dunkel, Office of Public Instruction, avowed support for HB 42. He submitted additional testimony, **EXHIBIT(eds54a01)**.

Bob Vogel, representing the Montana School Boards Association, echoed previous testimony in his support for HB 42.

Jeff Hindoien, representing the Governor's Office, acknowledged the bill was supported in the executive budget.

Madalyn Quinlan, Office of Public Instruction, repeated support for HB 42.

Loran Frazier, School Administrators of Montana, echoed support for HB 42.

Joyce Scott, Office of Commission of Higher Education, recapitulated support for HB 42.

Mike Barrett, representing himself, narrated his concerns for education.

{Tape : 1; Side : A; Approx. Time Counter : 2 - 23}

Opponents' Testimony:

Elaine Herman, representing herself, rose in opposition to HB 42. **Ms. Herman** submitted written testimony, **EXHIBIT(eds54a02)**.

{Tape : 1; Side : A; Approx. Time Counter : 23 - 29}

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. ALVIN ELLIS contended that teachers salaries, as a percentage of general fund budgets, have dropped from 52% to 36.3%. He wondered what **MEA/MFT** had done to increase the proportion of funding to teachers. **Erik Burke** responded that his organization had bargained contracts throughout the state for competitive salaries, as well as working to honor additional course credits.

SEN. ELLIS questioned why Montana had fallen behind other states. **Erik Burke** affirmed that Montana teacher salaries were average in the 1980's and have fallen because of the state funding mechanism and the increase in special education needs.

SEN. ELLIS queried of **Bob Vogel** the reason for the fall of teachers' salaries in the state. **Mr. Vogel** replied that more and more responsibility for funding has been placed on the school districts. He also suggested that special education needs have cut into the general fund budgets of school districts.

SEN. ELLIS speculated that special education standards came about because of federal mandates. He questioned whether the responsibilities required of school districts could be blamed on legislative mandates or accreditation standards. **Bob Vogel** surmised that the required responsibilities came about as a combination of both. He declared that standards are in place for a reason. He argued that state funding had been lax during the last ten years for special education, even though the local share of funding has increased 900%.

SEN. ELLIS maintained that all states have problems with special education funding. **Mr. Vogel** agreed with **SEN. ELLIS**.

SEN. DEBBIE SHEA asked **Margaret Bowles** to explain the difference between the wonderful teachers from the past and the teachers of today. **Ms. Bowles** asserted the teachers from the past decades were board certified teachers. She maintained that board certification would recognize teachers that impact student learning.

SEN. SHEA argued that all teachers are board certified teachers. **Ms. Bowles** disagreed, reciting the definition of board certified teachers.

SEN. SHEA wondered how many teachers in Montana have been nationally certified. **Ms. Bowles** indicated that twenty teachers have become certified with sixteen still teaching in the state.

SEN. SHEA inquired if there was a common age for the twenty board certified teachers.

{Tape : 1; Side : A; Approx. Time Counter : 29 - 32}

Ms. Bowles recounted that the teachers in Montana that are currently board certified, accomplished the goal in order to better themselves professionally.

SEN. SHEA voiced her concern that young teachers would not be able to participate in the program because of other responsibilities. **Ms. Bowles** reasoned that board certification would be a professional commitment that would create a better educator.

SEN. JOHN BOHLINGER commented that during thirty years in a business he was rewarded for excellence by making more money. He stated his feelings that HB 42 would reward an excellent teacher with a pay increase. He queried how more teachers could be brought into the process. **REP. MASOLO** responded that **Ms. Bowles**

had answered the question during her testimony and asked her to repeat the process. **Margaret Bowles** repeated the process for achieving national board certification.

SEN. SAM KITZENBERG asked **REP. MASOLO** how the proposed stipend would compare with other states. **REP. MASOLO** replied that Montana would be at the bottom, and asked that the question be redirected to **Erik Burke**. **Mr. Burke** responded that before January, twenty-nine states had stipends ranging from \$1000 to \$10,000. Montana would be right in the middle with a \$3000 stipend. He informed the committee that the application fee for national board certification would be \$2300.

SEN. ED BUTCHER debated whether it would be easier to test students and reward teachers that produce exceptional students. **Margaret Bowles** rationalized that even though student achievement would be important, national certification would impact the educator.

SEN. BUTCHER stated his confusion of the purpose of the classroom teacher. **Ms. Bowles** responded that a teacher must be passionate and enthusiastic about the job in order to be the best teacher possible.

SEN. JACK WELLS wondered how many teachers were teaching in Montana. **REP. MASOLO** cited the number as 9-10 thousand.

SEN. WELLS expressed concerns regarding the fiscal note. He queried whether the program could remain under local control instead of using a federal monies. **REP. MASOLO** clarified that the Appropriations Committee felt that President Bush would send federal money to be used at the discretion of local control, and HB 42 would be the vehicle needed to accomplish this.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 10}

Closing by Sponsor:

REP. MASOLO closed on HB 42, reiterating that incentive matters. She argued that teachers should be given an incentive to better themselves. She informed the committee that **PRESIDENT BECK** had agreed to carry the bill on the Senate floor.

{Tape : 1; Side : B; Approx. Time Counter : 10 - 11}

HEARING ON HB 140

Sponsor: REP. GAY ANN MASOLO, HD 40, Townsend

Proponents: Erik Burke, Montana Education Association/Montana Federation of Teachers
Dustin Stewart, Associated Students of Montana State University
Donna Maddox, Flathead County Superintendent
Bruce Dunkle, Office of Public Instruction
Sarah Cobler, Associated Students of the University of Montana
Joyce Scott, Office of the Commissioner of Higher Education
Arlene Hannawalt, Montana Guaranteed Student Loan Program
Jeff Hindoien, Office of the Governor
Bob Vogel, Montana School Boards Association

Opponents: None

Opening Statement by Sponsor:

REP. MASOLO articulated that HB 140 would provide a maximum of \$12,000 in student loan repayment assistance for Montana teachers with certification or endorsement to teach in critical teacher shortage areas. She emphasized the passage of HB 140 would encourage Montana graduates to remain in the state.

{Tape : 1; Side : B; Approx. Time Counter : 11 - 13}

Proponents' Testimony:

Erik Burke, Montana Education Association/Montana Federation of Teachers, rose in support of HB 140. **Mr. Burke** reported that 75% of students, graduating in education in the state of Montana, would be leaving the state. He maintained that Montana would lose a generation of teachers. He allowed that although HB 140 would not solve all the problems of retaining Montana students, it would be a move in the right direction.

Dustin Stewart, representing the Associated Students at Montana State University, pronounced support for HB 140. **Mr. Stewart** encouraged the committee to attend a career fair on one of the Montana campuses in order to view the number of out of state school districts recruiting Montana students. **Mr. Stewart** punctuated his testimony with supplemental information regarding Montana financial aid, **EXHIBIT (eds54a03)**.

Donna Maddox, Flathead County Superintendent, avowed support for HB 140. **Ms. Maddox** indicated the bill would be a step toward retaining qualified Montana graduates. She argued that graduates were leaving the state in order to make higher salaries which would enable them to repay student loans. **Ms. Maddox** mentioned that the state would also be losing qualified administrators because they could retire from Montana and reenter the workforce in another state at a much higher salary.

Bruce Dunkle, Office of Public Instruction, stated support of HB 140.

Sarah Cobler, representing the Associated Students at the University of Montana, contended that HB 140 would allow Montana graduates to remain in the state.

Joyce Scott, representing the Office of the Commissioner of Higher Education, reported that surrounding states would take as many Montana graduates as they could get. She informed the committee that many out of state districts offer signing bonuses, higher salaries and excellent benefit packages. She compared HB 140 with the Rural Physicians Program that recruits doctors to Montana rural communities.

{Tape : 1; Side : B; Approx. Time Counter : 13 - 32}

Arlene Hannawalt, Director of the Montana Guaranteed Student Loan Program, reported that many Montana graduates, teaching in the rural areas, are not able to make student loan payments.

Director Hannawalt warned that Montana has a high default rate. She argued that state policies have put the burden of education on the student. She argued that a person would have to make \$31,000 per year in order to pay off a \$17,000 student loan.

Jeff Hindoien, representing the Governor's Office, stood in strong support of HB 140.

Bob Vogel, Montana School Boards Association, maintained that the recruitment and retention of good teachers has become a problem in school districts across the state. He professed his hope that HB 140 would encourage teachers to remain in Montana.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 4}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MIGNON WATERMAN questioned whether teachers, currently employed, would be eligible to receive loan repayment assistance.

REP. MASOLO asked **Eddye McClure** to respond. **Eddye McClure** referred to page 2, line 25 which states, "a teacher is eligible during the first four years of eligible employment following the date of initial certification endorsement". She speculated that a teacher could return to Montana after one year and still have three years of eligibility.

SEN. WATERMAN referred to page 2, line 6, stating that the term "newly employed" would be troubling. She stated she was concerned with a teacher that had been hired in the state last year would not be "newly employed" next fall. **SEN. WATERMAN** debated that the wording on line 6 should be corrected. **REP. MASOLO** asserted that she had been concerned with the same issue and would not have a problem with an amendment to correct the wording. She informed the committee there would be an amendment to include the state youth correctional facility.

SEN. ELLIS asked if Montana teachers were the lowest paid in the nation. **Erik Burke** clarified that Montana teachers were currently 48th or 49th in the nation, depending on the source of the information.

SEN. ELLIS requested that information, reporting that his information had been obtained from the organization **Mr. Burke** represents. **SEN. ELLIS** argued that his information showed four states below Montana. **Mr. Burke** agreed to supply **SEN. ELLIS** with the requested material.

SEN. JIM ELLIOT wondered who would pay the debt created by defaulted student loans. **Arlene Hannawalt** explained that the Guaranteed Student Loan Program would buy the defaulted loan from the lender. The Guaranteed Student Loan Program would receive reinsurance from the Department of Education. **Ms. Hannawalt's** agency would pay a share of the default cost. She indicated that revenue to pay the costs came from operations and servicing fees which were generated by federal taxes.

SEN. ELLIOT theorized the taxpayer would pay for the education of a student one way or another. **Ms. Hannawalt** agreed with the assessment of **SEN. ELLIOT**.

SEN. WATERMAN asked the sponsor to explain the reasons for choosing four years. **REP. MASOLO** rationalized that a teacher would be tenured after four years, which would encourage them to stay in the state. She postulated that the fiscal note would increase if the years were increased.

SEN. KITZENBERG queried what percentage of the teacher shortage problem in Montana would be solved by the passage of HB 140.

REP. MASOLO could not provide the information.

SEN. BOHLINGER articulated support for expansion beyond the four year period. He believed any teacher with an outstanding school loan should be able to qualify for the program. **SEN. MASOLO** agreed with **SEN. BOHLINGER**, while maintaining her hope the bill would pass in its current form.

{Tape : 2; Side : A; Approx. Time Counter : 4 - 14}

Closing by Sponsor:

In closing on HB 140, **REP. MASOLO** informed the committee that teachers that default on student loans could lose their teaching license. She urged passage of HB 140.

{Tape : 2; Side : A; Approx. Time Counter : 14 - 16}

HEARING ON HB 160

Sponsor: **REP. JOAN ANDERSON, HD 23, Fromberg**

Proponents: **Robert Runkel, Office of Public Instruction**
Bob Vogel, Montana School Boards Association
Loran Frazier, School Administrators of Montana

Opponents: **None**

Opening Statement by Sponsor:

REP. JOAN ANDERSON informed the committee that HB 160 was requested by the Office of Public Instruction to deal with special education financing. She testified the bill had broad support in the education community. **REP. ANDERSON** explained that the current system of special education funding distributes the majority of the state's appropriations in block grants. HB 160 would stop the decline in block grants, ensuring that instructional and related services block grants would represent 70% of the money distributed to schools. The bill would also set the proportions of money given to the special education programs. She reiterated the bill would not increase the funding for special education, but would allow the funding to become more predictable.

{Tape : 2; Side : A; Approx. Time Counter : 16 - 19}

Proponents' Testimony:

Robert Runkel, representing the Office of Public Instruction, explained the evolution of HB 160. He narrated that the bill would allow special education funding to become more predictable. A specific percentage of the appropriation would be reserved for the block grant. **Mr. Runkel** submitted additional testimony, **EXHIBIT (eds54a04)**.

Bob Vogel, Montana School Boards Association, reported that the passage of HB 160 would not harm any school district in the state.

Loran Frazier, School Administrators of Montana, rose in support of HB 160.

{Tape : 2; Side : A; Approx. Time Counter : 19 - 26}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. KITZENBERG requested that **Mr. Runkel** share the current status of the federal funding obligation to special education in the state. **Mr. Runkel** reported that the federal share of special education on a national basis was 13%. He maintained that the federal share in Montana was 18% because our costs were lower than the national average. **Mr. Runkel** hypothesized the federal funding should grow to 20% because of the federal promise to continue to fund special education.

{Tape : 2; Side : A; Approx. Time Counter : 26 - 28}

Closing by Sponsor:

REP. ANDERSON closed on HB 160.

HEARING ON HB 321

Sponsor: **REP. DEE BROWN, HD 83, Hungry Horse**

Proponents: **Donna Maddox, Flathead County Superintendent**
Bob Vogel, Montana School Boards Association
Mike Barrett, Self, Helena

Opponents: None

Opening Statement by Sponsor:

REP. BROWN testified HB 321 would provide another method of electing members to a high school board of trustees when more than half of the electors of the high school district reside outside the territory of the elementary school district in which the high school district buildings are located.

{Tape : 2; Side : A; Approx. Time Counter : 28 - 30}

Proponents' Testimony:

Donna Maddox, Flathead County Superintendent, rose in support of HB 321. **Ms. Maddox** submitted written testimony, **EXHIBIT** (eds54a05).

{Tape : 2; Side : A; Approx. Time Counter : 30 - 32}

Bob Vogel, Montana School Boards Association, offered support for HB 321.

Mike Barrett, representing himself, expounded on various concerns.

{Tape : 2; Side : B; Approx. Time Counter : 0 - 9}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. BROWN closed on HB 321. She stated that **SEN. KEENAN** would carry the bill on the floor of the Senate.

EXECUTIVE ACTION ON HB 321

Motion/Vote: **SEN. BOHLINGER** moved that HB 321 BE CONCURRED IN. Motion carried 13-0.

EXECUTIVE ACTION ON HB 160

Motion/Vote: SEN. ELLIS moved that HB 160 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 42

Motion: SEN. ELLIOTT moved that HB 42 BE CONCURRED IN.

Discussion:

SEN. BUTCHER felt the statute would result in a federally structured bureaucratic system that would not result in better teachers.

SEN. ELLIOTT WITHDREW HIS motion that HB 42 BE CONCURRED IN.

EXECUTIVE ACTION ON HB 265

Motion: SEN. BUTCHER moved that HB 265 BE AMENDED, **EXHIBIT**(eds54a06) (HB026503.aem) .

Discussion:

Eddye McClure explained the amendment would address the issue of tuition credit. The credit would be paid by either the district or the student. The second amendment would insure that the entity that pays would receive the reimbursement if the student were to drop out.

SEN. BUTCHER asserted the amendment would give a school district flexibility. **Ms. McClure** narrated that **REP. FACEY** did not have a problem with the amendment.

Motion/Vote: SEN. BUTCHER'S motion that HB 265 BE AMENDED carried unanimously.

Motion/Vote: SEN. SHEA moved that HB 265 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:45 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (eds54aad)